

LEGAL BASIS

Federal and state laws (MCL 400.115f-m,r,s) require that adoption support subsidy eligibility and nonrecurring adoption expenses eligibility be determined and an adoption assistance agreement be negotiated and signed by the adoptive parent(s) and the Department of Human Services designee prior to the final order of adoption.

**APPLICATION
PROCESS**

If adoptive parents assert that an error was made in their child's case, they may apply for adoption support subsidy/nonrecurring adoption expenses by submitting a written request to:

Adoption Subsidy Office
Michigan Department of Human Services
Grand Tower, Suite 612
P.O. Box 30037
Lansing, MI 48909

The adoption subsidy office will review the request and determine if additional information is needed in order to determine the circumstances of the adoption. The adoptive parents must provide documents for evidence.

The adoption subsidy office will review the child's circumstances and determine adoption support subsidy eligibility based on the eligibility policy in the Adoption Subsidy Manual (AAM) that was in effect at the time the child's adoption was finalized.

After review of all documents, the adoption subsidy office will send a written response of the findings to the adoptive family. If the application is denied, the letter will include information about the right to request an administrative hearing.

If the parent(s) disagree with a denial, they may request an administrative hearing within 90 calendar days of the written notice of the denial decision by the adoption subsidy office. In an administrative hearing, the administrative law judge (ALJ) must first address whether an error has occurred. (See AAM 700, Administrative Hearings for additional information.)

**Title IV-E Eligible
Cases**

The adoption subsidy office does not have the authority to approve title IV-E funded adoption support subsidy/nonrecurring adoption expenses applications submitted after the finalization of the adoption. A title IV-E funded adoption support subsidy/nonrecurring adoption expenses application submitted after finalization of the adoption can only be approved through the administrative hearings process. After the adoption subsidy office reviews the adoption support subsidy/nonrecurring adoption expenses application and determines that the child would be title IV-E eligible if granted an adoption support subsidy and/or nonrecurring adoption expenses, a written response with the findings will be sent to the adoptive parent. The written response will include the finding by the adoption subsidy office regarding the eligibility of the child and an explanation about the right to request an administrative hearing in order to either establish a title IV-E funded adoption support subsidy and/or nonrecurring adoption expenses eligibility or to appeal the decision by the adoption subsidy office.

**State Funded
Eligible Cases**

After an adoption is finalized, the adoption subsidy office may approve state funded adoption support subsidy for a child who does not meet title IV-E funding requirements if one of the following specific administrative errors was made:

- An error in the written determination of a child's ineligibility by the DHS adoption subsidy office.
- The documented denial of eligibility by the DHS adoption subsidy office based on a means test of the adoptive family.
- For children who were under the care and custody of DHS and placed for adoption after January 1, 1995 only: failure by the DHS local office adoption program (or private agency under contract with DHS to provide adoption services) to notify or advise the adoptive parent(s) of the availability of adoption support subsidy and/or nonrecurring adoption expenses. Documented receipt of DHS Publication 538, Michigan's Adoption Subsidy Programs, is deemed evidence of notice of the above. This publication is given to the adoptive parent(s) by the adoption worker during the adoption application process.

- An administrative error on the part of the adoption agency is found.

Other Applications

All other applications for Adoption Support Subsidy and/or Nonrecurring Adoption Expenses that are submitted after the finalization of the adoption will be denied and must go through the administrative hearing process in order to have an administrative law judge make a determination of eligibility.